

RESOLUTION NO. 20121018-076

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owners on the value of the property interest, or the damages, if any; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Verdell Edmondson, Jr., Willie Brown, Eric Edmondson, Johnny Edmondson, Wilbert Washington, Lorenzo Brown, Keesha Brown, Mytesha Savannah, Carla Savannah, Lamont Brown, Johnny Patrick, and Donald Goff.

Project: Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation – Truelight Area and Eleanor Drive Area Project

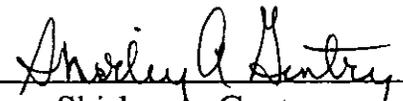
Public Use: The permanent drainage easement described in the attached Exhibit “A” is necessary for the purpose of constructing, operating, maintaining, repairing, replacing, upgrading, and making connections with a drainage channel and related facilities in, under, upon and across said tracts of land.

Location: 1405 Fort Branch Boulevard
Austin, Travis County, Texas 78721
The general route covered by the Fort Branch Watershed Management Area Reach 6 & 7 Channel Rehabilitation – Truelight Area and Eleanor Drive Area Project includes improvements for nearly 5,000 linear feet along Fort Branch Creek corridor from approximately the creek crossing at Fort Branch Boulevard to the Eleanor Street cul-de-sac. The creek parallels Fort Branch Boulevard, Lott Avenue, and Eleanor Street through this area.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: October 18, 2012

ATTEST:


Shirley A. Gentry
City Clerk



STATE OF TEXAS
COUNTY OF TRAVIS

(Drainage Easement)
Lot 1-A, Moten Acres Section No. 2
Fort Branch Creek Reach 6 & 7, Proj. No. 6039.059

EXHIBIT " A "

LEGAL DESCRIPTION

Field notes description for a parcel of land containing 0.021 of an acre of land, equivalent to 898 square feet of land, out of and a part of Lot 1-A, Moten Acres Section No. 2, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Book 44, Page 20 of the Plat Records of Travis County, Texas and being the same Lot 1-A, Moten Acres Section No. 2 which was conveyed to Mary Anne Crittenden and Ollie Crittenden by that certain Warranty Deed executed November 20, 1968 and recorded in Volume 3638, Page 109 of the Deed Records of Travis County, Texas; said parcel of land being more particularly described by metes and bounds, as follows, and as shown on the attached sketch:

BEGINNING FOR REFERENCE at a capped 1/2-inch iron rod found stamped "Spinner" on the curving northeast right-of-way line of Fort Branch Boulevard (60' Right-of-Way), same being the southwest corner of the above referenced Lot 1-A, Moten Acres Section No. 2; from which a T-Post found in concrete at the southwest corner of Lot 2, Moten Acres, a subdivision as recorded in Book 26, Page 31 of the Plat Records of Travis County, Texas, bears a chord bearing of S41°05'04"E a chord distance of 40.99 feet, S49°45'04"E a distance of 37.82 feet, S49°45'04"E a distance of 57.04 feet, and S18°37'04"E a distance of 65.80 feet; **Thence**, with said curving northeast right-of-way line of Fort Branch Boulevard, same being the southwest line of said Lot 1-A, along a curve to the right an arc length of 8.98 feet having a radius of 137.03 feet, and a chord which bears N30°48'06"W a distance of 8.98 feet to a calculated point of reverse curvature; **Thence**, continuing with said curving northeast right-of-way line of Fort Branch Boulevard, along a curve to the left an arc length of 45.63 feet having a radius of 158.59 feet, and a chord which bears N37°11'20"W a distance of 45.47 feet to a calculated point, for the south corner and **POINT OF BEGINNING** of this easement, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet, Combined Scale Factor 0.999923385) values of N= 10,074,965.75, E= 3,134,057.49;

THENCE, continuing with said curving northeast right-of-way line of Fort Branch Boulevard, the following two (2) courses:

- 1) Along a curve to the left an arc length of 25.44 feet having a radius of 158.59 feet, and a chord which bears N50°01'37"W a distance of 25.42 feet to a calculated point at a point of reverse curvature of a curve to the right; and,



- 2) Along said curve to the right an arc length of 14.02 feet having a radius of 234.48 feet, and a chord which bears $N52^{\circ}56'06''W$ a distance of 14.02 feet to a calculated point at the southwest corner of a 0.029-acre tract of land conveyed to the City of Austin by deed recorded in Volume 2478, Page 64 of the Deed Records of Travis County, Texas, for the west corner of this easement, from which a 1-inch square bolt found at a point of tangency on said east right of way of Fort Branch Boulevard, bears a chord bearing of $N47^{\circ}32'01''W$ a chord distance of 33.16 feet, a chord bearing of $N39^{\circ}17'33''W$ a chord distance of 33.03, and a chord bearing of $N28^{\circ}27'33''W$ a chord distance of 55.64 feet;

THENCE, with the south line of said City of Austin 0.029-acre tract, $N86^{\circ}32'27''E$ a distance of 65.80 feet to a calculated point, for the east corner of this easement;

THENCE, leaving the said south line of City of Austin 0.029-acre tract and through said Lot 1-A, the following two (2) courses:

- 1) $S46^{\circ}37'55''W$ a distance of 25.69 feet to a calculated point at an angle point of this easement; and
- 2) $S55^{\circ}47'26''W$ a distance of 19.76 feet to the "**POINT OF BEGINNING**", and containing 0.021 of an acre of land, more or less.

Basis of Bearing:

Bearings mentioned on this easement are based on State Plane Coordinate System, NAD'83, Texas Central Zone 4203; Horizontal And Vertical Coordinates for Aus 5 And E.U.D. 169 as established and published by Texas Department Of Transportation and by the L.C.R.A. were used as the controlling monuments for this survey. Distances shown hereon are surface.



CERTIFICATION:

I do hereby certify that this easement description is true and correct to the best of my knowledge and belief, and was prepared from an actual on the ground survey of found property corners, under my supervision, and that the markers described herein actually exist, as described, at the time of my survey.

**As Prepared by
Landmark Surveying, LP**

Juan M. Canales, Jr.

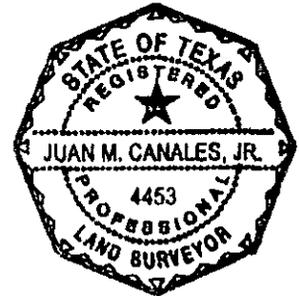
10-01-09

Juan M. Canales, Jr.
Registered Professional Land Surveyor No. 4453
Senior Project Manager
Firm Registration No. 100727-00

Date

REFERENCES

MAPSCO 2009, Page 586-Q
AUSTIN GRID NO. M-23
TCAD PARCEL ID NO.02-1021-0253
Lot 1-A, Moten Acres-Crittenden-DE.doc
1405 Fort Branch Boulevard

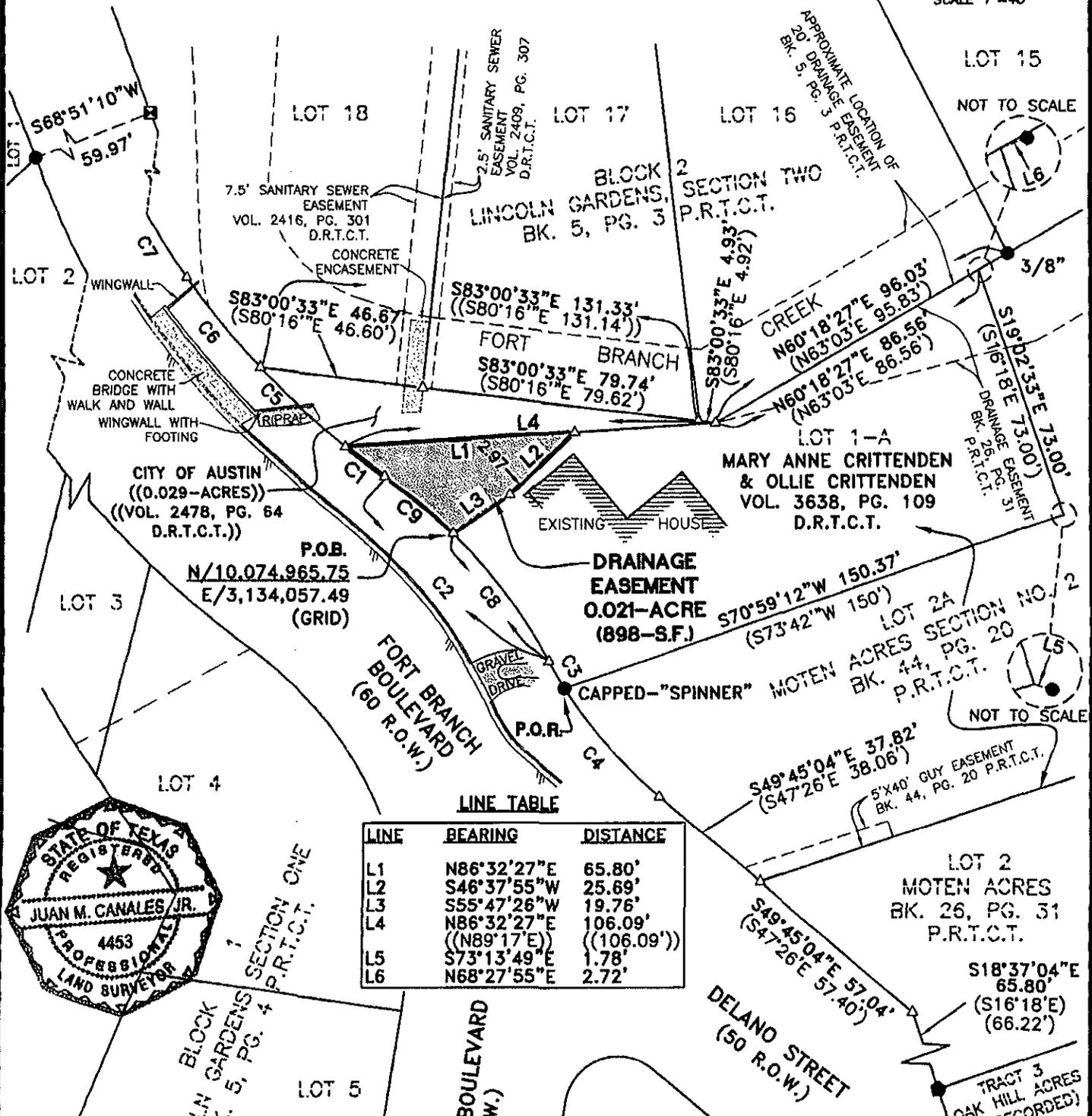


FIELD NOTES REVIEWED

By: *Mary Shaker* Date *10/21/09*

Engineering Support Section
Department of Public Works
and Transportation

**SURVEY OF A PORTION OF LOT 1-A,
MOTEN ACRES SECTION NO. 2,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS**
PAGE 4 OF 5



LINE TABLE

| LINE | BEARING | DISTANCE |
|------|--------------|-------------|
| L1 | N86°32'27"E | 65.80' |
| L2 | S46°37'55"W | 25.69' |
| L3 | S55°47'26"W | 19.76' |
| L4 | N86°32'27"E | 106.09' |
| | ((N89°17'E)) | ((106.09')) |
| L5 | S73°13'49"E | 1.78' |
| L6 | N68°27'55"E | 2.72' |



**SKETCH TO ACCOMPANY
FIELD NOTES**

Client: HDR Revised: 9/24/2009
 Date: September 11, 2009
 Office: Julia Trianadi
 Crew: J. Lee
 F.B.: 1153/32-33
 Path: t:\hdr\reaches 6 and 7\landmark drawings\grid-staff\easements\fbwma-grid-base-b.dwg
 Job No.: 492-08-01

Landmark
SURVEYING, LP
 1301 S. CAPITAL OF TEXAS HWY.
 BUILDING B, SUITE 315
 AUSTIN, TEXAS 78746
 PH: (512)328-7411 FAX: (512)328-7413

**SURVEY OF A PORTION OF LOT 1-A,
MOTEN ACRES SECTION NO. 2,
THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS
PAGE 5 OF 5**

LEGEND

- T-Post Found in Concrete
- 1/2" Iron Rod Found
(Unless Otherwise Noted)
- ☒ 1" Square Bolt Found
- △ Calculated Point
"Not Established on Ground"
- () Record Information
- R.O.W. Right-of-Way
- P.O.B. Point of Beginning
- P.O.R. Point of Reference
- Bk. Book
- Pg. Page
- Vol. Volume
- D.E. Drainage Easement
- P.U.E. Public Utility Easement
- Plat Records
- P.R.T.C.T. Travis County, Texas
- Deed Records
- D.R.T.C.T. Travis County, Texas
- Real Property Records
- R.P.R.T.C.T. Travis County, Texas
- Official Public Records
- O.P.R.T.C.T. Travis County, Texas

CURVE TABLE

| CURVE | CHORD BEARING | CHORD DISTANCE | DELTA | ARC LENGTH | RADIUS |
|-------|--------------------------------|----------------------|----------------------------|----------------------|------------------------|
| C1 | N52°56'06"W (N50°21'W) | 14.02' (14.05') | 03°25'35" | 14.02' (14.05') | 234.48' |
| C2 | N41°47'06"W (N39°12'W) | 70.48' (70.63') | 25°40'34" | 71.07' (71.23') | 158.59' (158.59') |
| C3 | N30°48'06"W (N28°13'W) | 8.98' (9.00') | 03°14'42" | 8.98' (9.01') | 137.03' |
| C4 | S41°05'04"E (S38°46'E) | 40.99' (41.25') | 17°12'13" | 41.14' (41.49') | 137.03' (137.03') |
| C5 | N47°32'01"W ((N44°36'00"W)) | 33.16' ((33.00')) | 08°06'31" ((08°04'13")) | 33.18' ((33.03')) | 234.48' ((234.48')) |
| C6 | N39°17'33"W (N36°33'W) | 33.03' (32.98') | 08°04'38" | 33.06' (33') | 234.48' (234.48') |
| C7 | N28°27'33"W (N25°43'W) | 55.64' (55.56') | 13°37'41" | 55.77' (55.67') | 234.48' (234.48') |
| C8 | N37°11'20"W | 45.47' | 16°29'02" | 45.63' | 158.59' |
| C9 | N50°01'37"W | 25.42' | 09°11'33" | 25.44' | 158.59' |

Utility and Improvement Note:

Utilities and improvements exist on this tract, but are not shown hereon.

Access Note:

Due to access issues:

- All visible improvements near easement are not shown hereon.
- Easement corners have not been established on ground.

The property described hereon is contained within Zone AE; as scaled from F.I.R.M. Map Number 48453C0470H, dated September 26, 2008, as published by the Federal Emergency Management Agency, the purpose of which is for flood insurance only.

Restrictive Covenant and Easement Note:

- A 5'x40' guy easement as recorded in Book 44, Page 20 of the Plat Records of Travis County, Texas DOES NOT APPLY to the subject parcel, as shown hereon.

All easements of which I have knowledge and those recorded easements furnished by Stewart Title Guaranty Company, according to File Number 905025, are shown or noted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

I hereby certify that a survey was made on the ground of the property shown hereon; that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of-ways, except as shown; that said property has access to and from a public roadway; and that this plat is an accurate representation of the property to the best of my knowledge.

BEARING BASIS NOTE:

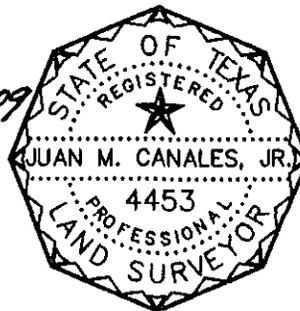
STATE PLANE COORDINATE SYSTEM (GRID) NAD'83
TEXAS CENTRAL ZONE 4203
COMBINED SCALE FACTOR = 0.999923385
NAVD'88 VERTICAL DATUM
HORIZONTAL AND VERTICAL COORDINATES FOR AUS 5 AND E.U.D. 169 AS ESTABLISHED AND PUBLISHED BY TEXAS DEPARTMENT OF TRANSPORTATION AND BY THE L.C.R.A. WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

AS SURVEYED BY
LANDMARK SURVEYING, LP
FIRM REGISTRATION NO. 100727-00

Juan M. Canales, Jr. 10-01-09
JUAN M. CANALES, JR.

Registered Professional Land Surveyor No. 4453
DATE: September 8, 2009

THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE OF THE ABOVE SURVEYOR



SKETCH TO
ACCOMPANY
FIELD NOTES

Landmark
SURVEYING, LP
1301 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 315
AUSTIN, TEXAS 78746
PH: (512)328-7000 FAX: (512)328-7415

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